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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 IN RE: Bard IVC Filters Products
9 Liability Litigation,

No. MD-15-02641-PHX-DGC

10 **AMENDED CASE MANAGEMENT**
11 **ORDER NO. 5**

12 **(Plaintiff and Defendant Profile**
13 **Forms)**
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16 The parties have agreed upon the use of an abbreviated Plaintiff Profile Form
17 (“PPF”) (Exhibit 1) attached to this Order. Except as expressly noted herein, the PPF
18 shall be completed in each currently pending case, and in all cases that become part of this
19 MDL by virtue of being filed in, removed to, or transferred to this Court on or after the
20 date of this Order.

21 Each plaintiff in currently filed cases (except as noted herein) shall submit a
22 completed PPF to defendants within 60 days of the date of this Order. In cases that have
23 been filed in, removed to, or transferred to this MDL on or after the date of this Order,
24 each plaintiff shall submit a completed PPF to defendants within 60 days of filing the
25 complaint.

26 The completed PPF shall be delivered via email to: [filterppf-](mailto:filterppf-pfs@nelsonmullins.com)
27 pfs@nelsonmullins.com and to co-lead counsel via email at wespita@lopezmchugh.com
28 and karin.scheehle@gknet.com .

1 Each plaintiff is required to provide defendants with a PPF that is substantially
2 complete in all respects, answering every question in the PPF, even if a plaintiff can
3 answer the question in good faith only by indicating “not applicable” or “unknown.” The
4 PPF shall be signed by the plaintiff under penalty of perjury. If a plaintiff is suing in a
5 representative or derivative capacity, the PPF shall be completed by the person with the
6 legal authority to represent the estate or the person under legal disability. Plaintiff
7 spouses with a claim for loss of consortium shall also sign the PPF, attesting that the
8 responses made to the loss of consortium questions in the PPF are true and correct to the
9 best of his or her knowledge, information and belief, formed after due diligence and
10 reasonable inquiry.

11 A completed PPF shall be considered interrogatory answers under Fed. R. Civ. P.
12 33 and responses to requests for production under Fed. R. Civ. P. 34, and will be governed
13 by the standards applicable to written discovery under Federal Rules 26 through 37. The
14 interrogatories and requests for production in the PPF shall be answered without objection
15 as to the question posed in the agreed upon PPF. This section does not prohibit a plaintiff
16 from withholding or redacting information from medical or other records provided with
17 the PPF based upon a recognized privilege. If information is withheld or redacted on the
18 basis of privilege, plaintiff shall provide defendants with a privilege log that complies
19 with Fed. R. Civ. P. 26(b)(5) simultaneously with the submission of the PPF.

20 If a plaintiff does not submit a PPF within the time specified in this Order,
21 defendants shall mail an overdue letter by e-mail and U.S. mail to Plaintiffs’ Co-Lead
22 Counsel and the plaintiffs’ individual representative counsel, stating that defendants may
23 move to dismiss that plaintiff’s case within 20 days of receipt of the letter. If no PPF is
24 received within those 20 additional days, defendants may move immediately to dismiss
25 that plaintiff’s case. If defendants receive a PPF that is not substantially complete,
26 defendants’ counsel shall send a deficiency letter within 14 days of receipt of a PPF, as
27 applicable by e-mail and U.S. mail to Plaintiffs’ Co-Lead Counsel and the plaintiffs’
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individual representative counsel, identifying the purported deficiencies. Plaintiff shall have 20 days from receipt of that letter to serve a PPF that is substantially complete in all respects. This letter shall include sufficient detail for the parties to meet and confer regarding the alleged deficiencies.

Within 45 days of receipt of a substantially complete PPF for an individual plaintiff, the defendants shall provide the plaintiff with a completed Defendants' Profile Form (DPF) (Exhibit 2) attached to this order. A completed DPF shall be considered interrogatory answers under Fed. R. Civ. P. 33 and responses to requests for production under Fed. R. Civ. P. 34, and will be governed by the standards applicable to written discovery under Federal Rules 26 through 37. The interrogatories and requests for production in the DPF shall be answered without objection as to the question posed in the agreed upon DPF. This section does not prohibit a defendant from withholding or redacting information from medical or other records provided with the DPF based upon a recognized privilege. If information is withheld or redacted on the basis of privilege, defendants shall provide plaintiff with a privilege log that complies with Fed. R. Civ. P. 26(b)(5) simultaneously with the submission of the DPF.

If the plaintiff receives a DPF that is not substantially complete, plaintiff's counsel shall send a deficiency letter within 14 days of receipt of a DPF, as applicable by e-mail and U.S. mail to Defendants' Lead Counsel identifying the purported deficiencies. Defendants shall have 20 days from receipt of that letter to serve a DPF that is substantially complete in all respects. This letter shall include sufficient detail for the parties to meet and confer regarding the alleged deficiencies.

The procedures outlined in this Order shall not apply to the following cases:

Plaintiff	Original Jurisdiction
1. Cason, Pamela	GA – N.D. Ga. 1:12-cv-1288
2. Coker, Jennifer	GA – N.D. Ga. 1:13-cv-515

Plaintiff	Original Jurisdiction
3. Conn, Charles	TX – S.D. Tex. 4:14-cv-298
4. Ebert, Melissa	PA – E.D. Pa. 5:12-cv-1253
5. Fox, Susan	TX – N.D. Tex. 3:14-cv-133
6. Henley, Angela	WI – E.D. Wis. 2:14-cv-59
7. Keen, Harry	PA – E.D. Pa. 5:13-cv-5361
8. Milton, Gary	GA – M.D. Ga. 5:14-cv-351
9. Mintz, Jessica	NY – E.D.N.Y. 2:14-v-4942
10. Ocasio, Denise	FL – M.D. Fla. 8:13-cv-1962
11. Rivera (McClarty), Vicki	MI – E.D. Mich. 4:14-cv-13627
12. Smith, Erin	TX – E.D. Tex. 1:13-cv-633
13. Tillman, Lessie	FL – M.D. Fla. 3:13-cv-222

The parties are relieved from preparing or exchanging profile forms in those particular cases.

Dated this ____ day of February, 2016.

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